

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

MATT JENKINS,

Plaintiff,

v.

Case No. 5:11-CV-59

G.C. SERVICES, L.P.,

Defendant,

_____ /

MOTION TO AMEND BY INTERLINEATION
PLAINTIFF'S MOTION TO COMPEL

COMES NOW the Plaintiff, MATT JENKINS, by and through the undersigned counsel and respectfully moves this Honorable Court for leave to amend, by interlineation, the title of his motion to compel from *Plaintiff's Motion to Compel* to *Plaintiff's Combined Motion to Compel and Brief in Support Thereof* and in support thereof states as follows:

1. On February 16, 2012 Plaintiff filed his Motion to Compel truthful and responsive answers to his discovery requests. [D.E. 10]
2. The motion combined, pursuant to LCvR 7. 1(A), states with particularity the grounds of the motion and sets forth the relief or Order sought.
3. The motion also includes, contemporaneously therewith, Plaintiff's brief in support of the relief requested.

4. The current title does not clearly identify the document as a combined motion and brief and has apparently confused the Defendant, who apparently believes a brief is compliant with LCvR 7.1(C) only if filed both contemporaneously and separately.

5. LCvR 7.1(C) requires only that briefs be filed contemporaneously with motions, not both contemporaneously *and* separately.

6. Plaintiff's failure to identify the motion as a combined motion and brief amounts to a scrivener's error and has no effect on the content of the motion and brief.

7. This motion is brought in good faith and is in no way intended to delay or confuse the proceedings.

8. A copy of the proposed amended motion is attached hereto.

WHEREFORE, Plaintiff respectfully requests an Order granting this motion and amending his *Motion to Compel to Combined Motion to Compel and Brief in Support Thereof*, as well as any other relief the Court deems just and proper.

Dated: March 5, 2012

Respectfully submitted,

/s/ W. Andrew LeLiever

W. Andrew LeLiever

N.C. State Bar No: 37384

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to:

Caren D. Enloe
MORRIS MANNING & MARTIN, LLP
P.O. Box 12768
Research Triangle Park, NC 27709
Counsel for the Defendant

Dated: March 5, 2012

By: /s/ W. Andrew LeLiever
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